—IN THE—

Supreme Court of the U. S.

October Term, 1903.

No. 273.

GRANVILLE RIPPEY, PLAINTIFF IN ERROR.

VS.

STATE OF TEXAS, DEFENDANT IN ERROR.

In Error to the Court of Criminal Appeals of the State of Texas.

In this cause comes the plaintiff in error, Granville Rippey, and the defendant in error, the State of Texas, by their respective counsel, and here now move the Court to advance this cause and to set the same down for hearing at as early a day as may be compatible with the views of the Court.

The parties, plaintiff in error and defendant

in error respectively show to the Court that this case involves a controverted public question as to the constitutionality of certain statutes of the State of Texas, regulating the adoption by the people of particular localities in their capacity as voters, the prohibition of the sale of liquors in such localities, which question has involved for several years past serious controversies in the Courts of the State, necessitating frequent delays in the operation of said statutes, if constitutional, and is therefore, in the judgment of counsel, a case involving the public interests.

The contention of plaintiff in error in the Courts below, was that the statute violated in several respects the constitution of the United States, which contention is embodied in the record; and the decisions of the State Courts were against such contention and sustained the validity of the legislation. This particular case was begun by criminal proceedings instituted in the proper Court of the State of Texas against plaintiff in error, in which a conviction was had and a judgment entered adjudging plaintiff in error to be guilty of an offense against said statute and sentencing him to pay, not only a pecuniary fine, but to imprisonment in the County jail for twenty days; from which judgment of conviction in the trial Court an appeal was prosecuted to the Court of Criminal Appeals, of the State of Texas, in which last named Court the judgment of the Court below was in all things affirmed, and from which last named judgment a writ of error has been sued out from this Court to said Court of Criminal Appeals.

Premises considered, and in view of the public interests involved and the importance of the case

and its speedy determination which should be definitely settled, and this protracted controversy ended, both parties to the record, move the Court to advance the cause and to set the same down for trial at the earliest date that may suit the convenience of the Court.

F. M. ETHERIDGE,
GEO CLARK,
D. C. BOLINGER,

Counsel for Plaintiff in Error.

C. K. BELL,

Attorney General of Texas.

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Counsel for Defendant in Error.